



Jean Sheridan, 24, a traveller, with her two-year-old daughter Viveanna, left, and her two-month-old triplets Richard, David and John Button in her caravan on land near Billericay in Essex



The site in Essex that is to be cleared after the Court of Appeal ruling



Local rumour says the travellers are rich. Parts of the site suggest otherwise

A victory for protection of the green belt, but the ruling means 150 children have no home

Analysis Frances Gibb

Hundreds of travellers may be facing eviction after yesterday's ruling but councils throughout England and Wales will be raising a cheer.

The judges said that to allow the travellers to stay would encourage others to settle illegally on green belt land, adding that they were "in conscious defiance of the prohibitions of the law".

The illegal occupation by 63 families of the land showed "flagrant disregard" of the law, Lord Justice Pill, sitting with Lords Justices Lloyd and Moses, said.

They overturned a ruling last May when the High Court granted the families a temporary reprieve from eviction from one of Britain's largest unauthorised sites and ordered the council to reconsider.

But the appeal judges disagreed. The council's eviction notices could stand, they said, and the original judge, Mr Justice Collins, was "in error" to rule that the council had not considered the welfare of individual families.

The ruling will come as a huge relief to Basildon District Council, which has spent £2 million trying to move the travellers, variously

estimated to number from 400 to 1,000. It also highlights the difficulty of trying to resolve the need to accommodate travellers with protection of the green belt.

Travellers have become an increasing headache in Basildon, where their numbers soared by 475 per cent in less than 20 years, the court heard, and the site in dispute now houses 40 per cent of Essex's traveller families. Nationally the rise in Gypsy and other traveller caravans since 1990 is 44 per cent.

Some of the families at Dale Farm first settled there in the 1960s and permission was granted for 40 families. But over the years more pitches have sprung up and there are now 51 at Dale Farm with another 12 close by.

The travellers claim to be mainly young mothers and the elderly who are hard-up and need somewhere to live, contrary to local reports that some run businesses in France while others trade in furniture that breaches safety regulations.

Either way, the ruling is only a temporary resolution. Residents may celebrate but the Equalities and Human Rights Commission, which advised on the law in the

case, said that 150 children would now be evicted.

More widely, there remains a shortage of authorised sites, which the judges acknowledged. Planning constraints have made green belt land cheap. In this case there is also the travellers' wish to be near families and friends.

But, Lord Justice Pill said, wanting to live on a site did not give an entitlement to do so. He said, citing a previous case, that the courts would be "slow to grant protection to those who, in conscious defiance of the prohibitions of the law, establish a home on an environmentally protected site".

To do otherwise would "encourage illegal action to the detriment of the protection of the environmental rights of other people in the community".

Bob Neill, the Shadow Local Government and Planning Minister, hailed the ruling as a "victory for common sense and local councillors". But the regulations gave unfair special treatment to travellers at the expense of the local environment and the amenity of local residents and should be repealed, he said.